

DONALD W. FITZGERALD, State Bar No. 095348
THOMAS A WILLOUGHBY, State Bar No. 137597
JENNIFER E. NIEMANN, State Bar No. 142151
FELDERSTEIN FITZGERALD
WILLOUGHBY & PASCUZZI LLP
400 Capitol Mall, Suite 1450
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
dfitzgerald@ffwplaw.com
twilloughby@ffwplaw.com
jniemann@ffwplaw.com

Proposed Attorneys for Zacky Farms, LLC

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

ZACKY FARMS, LLC, a
California limited liability
company,

Debtor-In-Possession.

CASE NO. 12-37961-B-11

DCN: FWP-9

Date: November 8, 2012
Time: 3:00 p.m.
Courtroom: 32
501 I Street, 6th Floor
Sacramento, CA

**ORDER GRANTING MOTION FOR AUTHORITY TO RETAIN KURTZMAN CARSON
CONSULTANTS, LLC OUTSIDE THE ORDINARY COURSE OF BUSINESS
PURSUANT TO 11 U.S.C. § 363(b)**

The motion of Zacky Farms, LLC, Debtor and Debtor in Possession's (the "Debtor") seeking entry of an order for authority retain Kurtzman Carson Consultants, LLC ("KCC") outside the ordinary course of business pursuant to 11 U.S.C. § 363(b) (the "Motion"), came on for continued hearing on November 8, 2012, at 3:00 p.m., in Courtroom 32 of the United States Bankruptcy Court for the Eastern District of California. The Debtor appeared through its counsel, Thomas A. Willoughby. Other appearances were noted on the record. All capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

The Court has considered the Motion, the Declaration of Keith F. Cooper in Support of the Motion, and the matters reflected in the record of the hearing held on the Motion on November 8, 2012. It appears that the Court has jurisdiction over this proceeding; that this is a

RECEIVED

November 09, 2012

CLERK, U. S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0004526708

1 core proceeding; that notice of the Motion has been given to the Office of the United States
2 Trustee, counsel for the creditors committee, the owners of the Debtor, applicable governmental
3 entities, and those requesting special notice pursuant the Limited Service List; that no further
4 notice is necessary; that the relief sought in the Motion is in the best interests of the Debtor, its
5 estate, and its creditors; and that good and sufficient cause exists for such relief.

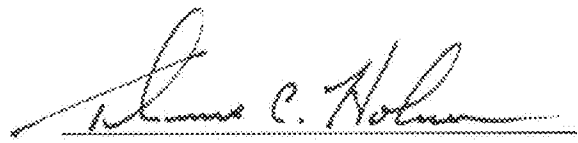
6 Accordingly, it is hereby ORDERED as follows:

7 1. The Motion (docket no. 83) is GRANTED.

8 2. The Debtor is authorized to retain Kurtzman Carson Consultants LLC ("KCC"),
9 pursuant to 11 U.S.C. § 363(b) effective October 10, 2012, to provide services including, but not
10 limited to, assisting with the completion of the schedules and statement of financial affairs,
11 compiling of claims in the case, creating and maintaining of a public case-specific website,
12 noticing plan solicitation, compiling plan balloting, and any other services the Debtor may
13 require.

14 3. All fees and expenses owed to KCC shall be paid as an administrative expense of
15 the Debtor's estate. The Debtor is authorized to pay KCC's invoices on a monthly basis. In the
16 event total fees and expenses are expected to exceed \$10,000 in any single month, KCC may
17 require advance payment from the Debtor due and payable on demand and prior to performance
18 of services. However, all payments by the Debtor to KCC shall be subject to any limitations on
19 the use of cash collateral.

20
21
22
23 Dated: November 13, 2012

24
25
26 

27 Thomas C. Holman
28 United States Bankruptcy Judge